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ON PETITION

In re Application of :
Kim L. Desch :
Application No. 10/816,074 :
Filed: April 1, 2004 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(a), filed May 23, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed May 18, 2005, which set a one (1) month period for response. Accordingly, this application became abandoned on June 19, 2005. A Notice of Abandonment was mailed on April 3, 2006.

Petitioner asserts that a response to the May 18, 2005 Office action was submitted by facsimile on June 16, 2005. In support, petitioner has submitted a copy of the originally filed response. The response includes an executed Certificate of Facsimile Transmission under 37 CFR 1.8 dated June 16, 2005. Additionally, petitioner has submitted a copy of the "FAX TX REPORT" that confirms transmission and receipt of the documents on June 16, 2005.

Accordingly, the petition is granted.

This application is being forwarded to Technology Center 3600, for review of the "Response To Restriction Requirement / Election of Species", filed May 23, 2006 (originally filed June 16, 2005).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
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for Patent Examination Policy